

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2009-151-T - ORDER NO. 2022-66

MARCH 4, 2022

IN RE: Application of Malzone Russell d/b/a Basic)	ORDER GRANTING
Moving for a Class E (Household Goods))	APPROVAL OF REVISED
Certificate of Public Convenience and)	BILL OF LADING
Necessity for Operation of Motor Vehicle)	
Carrier)	

I. INTRODUCTION

This matter comes before the Public Service Commission of South Carolina (“Commission”) on the Request of Malzone Russell d/b/a Basic Moving (hereinafter “Basic Moving” or “Company”) for Approval of its Revised Bill of Lading. Basic Moving currently holds a Class E Household Goods Motor Carrier Certificate for travel between points and places in Beaufort, Jasper, and Hampton counties in South Carolina.

II. FACTS AND PROCEDURAL HISTORY

By way of background, Basic Moving filed an Application for a Class E Certificate of Public Convenience and Necessity (“Certificate”) with the Commission on April 7, 2009¹. The Company’s Application was approved by the Commission on August 12, 2009². Basic Moving has not requested an amendment to its tariff or bill of lading since obtaining its Certificate in 2010³.

¹ Docket No. 2009-151-T

² Order No. 2009-570

³ Certificate No. 9777

The Office of Regulatory Staff (“ORS”) is a party of record pursuant to Section 58-4-10(B) of the South Carolina Code of Laws (Supp. 2021). During a routine inspection by ORS in 2021, Basic Moving expressed its desire to update the language in its bill of lading. ORS suggested the Company file a request with the Commission for permission to amend its bill of lading. The Company made the request on November 16, 2021.

The Commission first addressed the Company’s request at its business meeting on January 13, 2022. The matter was carried over for additional clarification, and the proposed amendments were taken up again on January 27, 2022, at 2:00 p.m. Chairman Justin T. Williams presided. By motion, the Commission approved Basic Moving’s request to amend its bill of lading, with the instruction that the Company add certain language to meet the requirements of South Carolina Code Ann. Regs 103-159 (2012). Further, the Commission recommended revising the language in the “Personal Items” clause, which was the section Basic Moving originally sought to amend.

III. EVIDENCE OF RECORD

On February 28, 2022, the Company submitted an Amended Bill of Lading to the Commission. As directed, Basic Moving incorporated references to: Point of Origin (#4); the Name and Address of the Consignee/Receiver (#5); Declaration of Valuation (#6); C.O.D Shipment Information (#8); and the Number of the Bill of Lading (#11), in compliance with South Carolina Code Ann. Regs. 103-159.

Additionally, the Personal Items section of the Bill of Lading was amended to read:

All small valuables including, but not limited to, purse[s], wallets, jewelry and coins. Shall be locked and/or secured at all times if they are to be moved by Basic Moving. Basic moving may not be responsible for any loss of personal items

due to customer's failure to properly secure such items during a move.

The Company's revisions satisfy both the law and the Commission's recommendations.

IV. APPLICABLE LAW

The Commission is specifically authorized to regulate carriers of household goods and to set their rates and charges. S. C. Code Ann. § 58-23-590 (2015). "The commission shall regulate every motor carrier in this State and fix or approve the rates, fares, charges, classifications, and regulations pertaining to each motor carrier. . ." S.C. Code Ann. § 58-23-1010 (2015). Further, South Carolina law mandates that certain information be included in a motor carrier's bill of lading. S. C. Code Ann. Regs. 103-159 (2012). Accordingly, each bill of lading must contain the following information:

1. The name of issuing carrier;
2. The date the shipment was received by the carrier;
3. The name and address of the consignor/shipper;
4. The points of origin and destination;
5. The name and address of the consignee/receiver;
6. Declaration of valuation (motor carriers of household goods);
7. The weight by certified public scale, volume, or measurement of the property tendered and received for transportation according to the lawfully applicable rates and charges shown separately by classification;
8. If it relates to a C.O.D. shipment, the amount of the C.O.D. and the name of the individual, corporation, or association who is actually to pay the C.O.D.;
9. Public Service Commission identification number;
10. Financial responsibility information as to insurance coverages;
11. The number of the bill of lading, as numbered consecutively in each motor carrier's own series at the time of printing;
12. Any accessorial or additional service charges in detail, giving size, and kind of equipment, the number of men and total hours of extra labor, and equipment services provided;

13. Rate per hundred weight or rate per hour, whichever is applicable (motor carriers of household goods); and
14. Base liability amount of the carrier for its cargo

S. C. Code Ann. Regs. 103-159.

Ultimately, “[e]very rate made, demanded, or received by any motor carrier operating under a Certificate of PC&N... shall be just and reasonable.” Reg. 103-192.

V. ANALYSIS

The Commission has broad authority to regulate motor carriers pursuant to S.C. Code Ann. § 58-23-1010. The inclusion of specific language required by Regulation 103-159 ensures Basic Moving’s Bill of Lading is in compliance with South Carolina law. The additions to the Bill of Lading include: the Point of Origin (#4); the Name and Address of the Consignee/Receiver (#5); Declaration of Valuation (#6); C.O.D Shipment Information (#8); and the Number of the Bill of Lading (#11)). The remaining question concerns Basic Moving’s update to the Personal Items clause. Although the language does not need to conform with any specific regulatory requirements, the Commission suggested updates for clarity, which the Company adopted.

VI. FINDINGS OF FACT

After review of the Application and all of the evidence in the record, the Commission makes the following findings of fact:

1. The Commission approved the application of Basic Moving to receive a Class E Motor Carrier Certificate in Order No. 2009-570. That Order authorized Applicant to operate in the counties of Beaufort, Jasper, and Hampton.
2. Basic Moving seeks to revise its Bill of Lading, setting forth certain updates to its language and establishing compliance with Regulation 103-159.

3. After careful review, we find Basic Moving's Revised Bill of Lading to be appropriate.

4. ORS did not make any particular determinations regarding Basic Moving in this docket.

5. We find the proposed amendments to the Revised Bill of Lading are just and reasonable.

VII. CONCLUSIONS OF LAW

After review of the request and all of the evidence in the record, the Commission makes the following conclusion of law:

1. The Commission finds the proposed revisions to the Bill of Lading of Malzone Russell d/b/a Basic Moving meet the requirements of Regulation 103-159, S. C. Code of Regulations (2012).

2. The Commission finds the proposed revisions to Basic Moving's Bill of Lading shall be approved pursuant to the authority of the Commission, as set forth in Sections 58-23-590 and 1010 of the South Carolina Code of Laws (2015).

VIII. ORDERING PROVISIONS

IT IS THEREFORE ORDERED:

1. The request for approval of Malzone Russell d/b/a Basic Moving's Revised Bill of Lading is granted.

2. The final Revised Bill of Lading is approved and attached hereto as Order Exhibit 1.

3. This Order shall remain in full force and effect until further order of the Commission.

BY ORDER OF THE COMMISSION:



Justin T. Williams, Chairman
Public Service Commission of
South Carolina

BILL OF LADING

PUBLIC SERVICE COMMISSION & OFFICE OF REGULATORY STAFF NUMBER: 9777

CARRIER: BASIC MOVING, Post Office Box 10, Ridgeland, South Carolina 29936

Phone 1-843-473-9225 (24/7) **Owner:** Malzone M. Russell

NUMBER OF THE BILL OF LADING _____

CONSIGNOR/SHIPPER NAME: _____

CONSIGNOR/SHIPPER ADDRESS: _____

POINT OF ORIGIN _____

DESTINATION: _____

CONSIGNEE/RECEIVER NAME _____

CONSIGNEE/RECEIVER ADDRESS _____

C.O.D. SHIPMENT INFORMATION _____

DATE: _____ **START TIME:** _____ **STOP TIME:** _____ **TOTAL** _____

RATES: ONE MOVER \$25 PER HR (TIMES) _____ **HOUR(S)=** _____

ONE MOVER \$25 PER HR (TIMES) _____ **HOUR(S)=** _____

ONE TRUCK \$25 PER HR (TIMES) _____ **HOUR(S)=** _____

ONE TRUCK \$25 PER HR (TIMES) _____ **HOUR(S)=** _____

FUEL FEE \$1 PER MILE (TIMES) _____ **MILE(S)=** _____

GRAND TOTAL COST \$ _____

Insured by: Ellis Ins. 1-803-943-2911 Policy Number 066016-36007237 Coverage \$50,000 Cargo & \$750,000 General Liability

Personal Items: All small valuables including, but not limited to, purse[s], wallets, jewelry and coins. Shall be locked and/or secured at all times if they are to be moved by Basic Moving. Basic moving may not be responsible for any loss of personal items due to customer's failure to properly secure such items during a move.

Declaration of Valuation: This shipment will move subject to the rules and conditions of the carrier and tariff. All terms printed or stamped hereon or on additional sheets. Shipper hereby release the entire shipment to a value not exceeding \$10,000. The carrier's liability for loss and damage will be \$0.60 per lb. per article. **CONSIGNOR/SHIPPER SIGNATURE** _____

CONSIGNEE/RECEIVER SIGNATURE _____

